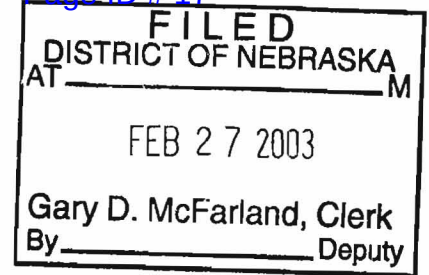


UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA



UNITED STATES OF AMERICA

Plaintiff,

v.

ARMANDO SERRANO CRUZ,

Defendant.

8:03MJ29 (D. Nebr.)

02-4051M (N. D. Iowa)

SEALED

Magistrate Judge Thalken

RULE 40 ORDER

A Criminal Complaint having been filed in the district court for the Northern District of Iowa charging the above-named defendant with conspiracy to distribute more than 500 grams of mixed methamphetamine and the defendant having been arrested in the District of Nebraska, proceedings to commit defendant to another district were held in accordance with Fed.R.Cr.P.40. The defendant had an initial appearance here in accordance with Fed.R.Cr.P.5 and was informed of the provisions of Fed.R.Cr.P.20. Additionally, defendant

- () Was given an identity hearing and found to be the person named in the aforementioned charging document
- (X) Waived an identity hearing and admitted that he/she was the person named in the aforementioned charging document.
- () Requested a preliminary examination be held in the charging district.
- (X) Was afforded a preliminary examination in accordance with Fed.R.Cr.P.5.1 and, from the evidence it appears that there is probable cause to believe that an offense has been committed and that the defendant committed it.
- (X) The government moved for detention.
- () Knowingly and voluntarily waived a detention hearing in this district and reserved the right to a detention hearing in the charging district.

- (X) Was given a detention hearing in this district.

Accordingly, it is ordered that the defendant is held to answer in the charging district.

- (X) Defendant has been unable to obtain release under the Bail Reform Act of 1984, 18 U.S.C. § 3141 et.seq. and the U.S. Marshal is commanded to take custody of the above named defendant and to transport the defendant with a certified copy of this order forthwith to the charging district specified above and there deliver the defendant to the U.S. Marshal for that district or to some other officer authorized to receive the defendant, all proceedings required by Fed.R.Cr.P.40 having been completed.
- () Defendant has been released in accordance with the provisions of the Bail Reform Act of 1984, 18 U.S.C. § 3141 et.seq. The defendant is to appear before the district court of the prosecuting district at such times and places as may be ordered. All funds, if any, deposited on behalf of this defendant with the Clerk of Court pursuant to the Bail Reform Act, shall be transferred to the prosecuting district.

IT IS SO ORDERED.

DATED in Omaha, Nebraska this 27th day of February, 2003.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Thalken', written over a horizontal line.

Thomas D. Thalken
U.S. Magistrate Judge